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SENATE BILL 59

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Richard C. Martinez

FOR THE LAND GRANT COMMITTEE

AN ACT

RELATING TO TORTS; PROVIDING CERTAIN EXCLUSIONS FROM THE WAIVER OF IMMUNITY OF LIABILITY FOR COMMUNITY LAND GRANTS GOVERNED AS POLITICAL SUBDIVISIONS OF THE STATE; EXTENDING ELIGIBILITY FOR LIABILITY COVERAGE TO COMMUNITY LAND GRANTS GOVERNED AS POLITICAL SUBDIVISIONS OF THE STATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 41-4-13 NMSA 1978 (being Laws 1977, Chapter 386, Section 10, as amended by Laws 2006, Chapter 54, Section 1 and by Laws 2006, Chapter 55, Section 1) is amended to read:

"41-4-13. EXCLUSIONS FROM WAIVER OF IMMUNITY--COMMUNITY DITCHES OR ACEQUIAS--SANITARY PROJECTS ACT ASSOCIATIONS--CERTAIN COMMUNITY LAND GRANTS.--All community land grants that are governed as political subdivisions of the state and

underscoring material = new
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1 community ditches or acequias, and their public employees
2 acting lawfully and within the scope of their duties, and all
3 associations created pursuant to the Sanitary Projects Act are
4 excluded from the waiver of immunity of liability under
5 Sections 41-4-6 through 41-4-12 NMSA 1978."

6 Section 2. A new section of the Tort Claims Act is
7 enacted to read:

8 "[NEW MATERIAL] LIABILITY COVERAGE--CERTAIN COMMUNITY LAND
9 GRANTS.--Notwithstanding the provisions of Section 41-4-25 NMSA
10 1978 to the contrary, a community land grant governed as a
11 political subdivision of the state may upon application to the
12 risk management division of the general services department
13 obtain coverage for any risk for which immunity has been waived
14 under the Tort Claims Act through the public liability fund."

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